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# Message Text

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73
ORIGIN EB-07

INFO OCT-01 ARA-06 IO-10 ISO-00 L-02 FRB-03 OMB-01 TAR-01

SP-02 AGR-05 AID-05 CIAE-00 COME-00 INR-07 LAB-04

NSAE-00 OIC-02 SIL-01 STR-04 TRSE-00 CIEP-01 CEA-01

DODE-00 DOTE-00 FMC-01 CG-00 OFA-01 DLOS-03 AF-06

EA-06 EUR-12 NEA-09 /101 R

DRAFTED BY EB/TT/MA:JPSTEINMETZ:EW
APPROVED BY IO/CMD:WWWOODBURY
L/EB:FKWILLIS
IO/CMD:LKAHN
EB/TT/MA:RKBANK
---------- 041946
P R 061940Z MAY 75
FM SECSTATE WASHDC
TO AMEMBASSY PORT OF SPAIN PRIORITY
INFO USMISSION GENEVA
USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: EWWT, ECLA, US

SUBJECT: ECLA (16TH SESSION): PROVISIONAL AGENDA ITEM 5(V) - CONTINGENCY PAPER ON UN CODE OF CONDUCT FOR LINER CONFERENCES

PASS TO BIRNEY STOKES, MEMBER OF US DEL SUBJECT MEETING

1. PROBLEM. A CONVENTION ON A CODE OF CONDUCT FOR LINER CONFERENCES, PREPARED UNDER THE AUSPICES OF UNCTAD, WAS ADOPTED BY A VOTE OF 72-7 (US)-5. THE US VOTED AGAINST THE
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CODE SINCE CERTAIN MAJOR PROVISIONS OF THE CODE ARE OBJECTIONABLE. GROUP C AS A WHOLE VOTED FOR ANDSUPPORTS THE CODE GENERALLY SINCE ITS IMPLEMENTATION WOULD SANCTION INTERNATIONALLY VARIOUS RESTRICTIVE CARGOPRACTICES LATIN

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AMERICAN NATIONS HAVE ALREADY EFFECTED AND OFFERS, INTER ALIA, A MEANS WHEREBY THEY WILL BE ABLETO INCREASE THEIR PARTICIPATION IN THE CARRIAGE OF THEIR FOREIGN TRADE. SINCE THE DEADLINE FOR SIGNATURE, BUT NOT RATIFICATION, OF THE CODE IS JUNE 30, 1975, IT IS NOT UNLIKELY THAT GROUPC MEMBERS MAY SPONSOR A RESOLUTION URGING EXPEDITIOUS ACTION IN SIGNING AND RATIFYING THE CODE.

2. US POSITION. -
A) US DEL IN CONCERT WITH UK AND POSSIBLY DUTCH REP SHOULD

SEEK TO DISCOURAGE AND OPPOSE ANY EFFORT BY GROUP C MEMBERS TO TABLE A RESOLUTION. (FYI. FRANCE VOTED FOR CODE AND CAN BE EXPECTED TO SUPPORT ANY RESOLUTION; CANADA ABSTAINED, BUT RECENT ACTION IN OECD FAVORING POSITIONS OF MEMBERS WHO SUPPORT CODE LEADS US TO BELIEVE U.S. CANNOT COUNT ON CANADIANS FOR SUPPORT. END FYI.)

B) IN THE EVENT A RESOLUTION IS TABLED, US DEL SHOULD VOTE AGAINST IT, CITING FACT THAT U.S. POSITION AGAINST CODE IS WELL-KNOWN AND REASONS THEREFOR ARE SET FORTH IN U.S. CLOSING STATEMENT IN THE REPORT OF THE UN CON-FERENCE ON THE SECOND PART OF ITS SESSION TD/CODE/10 (VOL. I), PAGES 115-121, INCLUSIVE. SEE PARA 4 BELOW FOR SPEECH MATERIAL.

3. BACKGROUND:
A) SEE STATE A-5007 OF JUNE 19, 1974.

B) ADDITIONALLY, TO BE IMPLEMENTED AT LEAST 24 COUNTRIES WITH AT LEAST 25PERCENT OF WORLD LINER TONNAGE MUST RATIFY THE CODE. JUNE 30, 1975 SIGNATURE DEADLINE, HOWEVER, IS LARGELY SYMBOLIC SINCE RATIFICATIONAND ADHERENCE TO CODE CAN TAKE PLACE THEREAFTER. NEVERTHE-LESS, U.S. IS CONCERNED THAT SHOULD A SIGNIFICANT NUMBER OF COUNTRIES SIGN BEFORE THE DEADLINE (PARTICULARLY KEY GROUP B AND C NATIONS), THIS COULD HAVE A SNOWBALL
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EFFECT BY INFLUENCING OTHERS TO SIGN. FROM U.S. STAND-POINT, THIS WOULD BE AN UNDESIRABLE DEVELOPMENTAND COULDCREATE MOMENTUM TOWARDS IMPLEMENTATION OF CODE. TO DATE, ONLY 8 COUNTRIES HAVE SIGNED, BUT NOT RATIFIED (ALL SIGNED SUBJECT TO RATIFICATION).ECUADOR AND GUATEMALA ARE THE ONLY GROUP C MEMBERSWHO HAVE SIGNED SO FAR.

C) WE ARE NOT CERTAIN WHETHER SEVERAL GROUP C COUNTRIES, BRAZIL AND ARGENTINA IN PARTICULAR, WOULD SUPPORTANY RESOLUTION ON THE CODE. BOTH HAD STRONG RESERVATIONS ON CERTAIN CODE PROVISIONS, PARTICULARLY THE ONE RE-

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QUIRING A 15-MONTH FREEZE BETWEENFREIGHT RATE INCREASES. MOREOVER, THE DEGREE TO WHICHGROUP C COUNTRIES SUPPORT THE MANDATORY 40-40-20 CARGOSHARING PROVISIONS IS UN-CLEAR SINCE MANY HAVE LEGISLATION REQUIRINGA 50/50 SPLIT (I.E. ARGENTINA, PERU, VENEZUELA AND BRAZIL IN CERTAIN TRADES).

4. SPEECH MATERIAL. U.S. CLOSING STATEMENT AND VARIOUS OTHER MATERIALSARE CONTAINED IN STATE A-5007. US DEL SHOULD DRAW ON THEM ASNECESSARY. KISSINGER

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# Message Attributes

**Automatic Decaptioning:** X
**Capture Date:** 26 AUG 1999
**Channel Indicators:** n/a
**Current Classification:** UNCLASSIFIED
**Concepts:** MEETING AGENDA, AGREEMENTS, REGIONAL ORGANIZATIONS, MEETINGS, STEAMSHIP LINES
**Control Number:** n/a
**Copy:** SINGLE
**Draft Date:** 06 MAY 1975
**Decaption Date:** 01 JAN 1960
**Decaption Note:**
**Disposition Action:** RELEASED
**Disposition Approved on Date:**
**Disposition Authority:** ElyME
**Disposition Case Number:** n/a
**Disposition Comment:** 25 YEAR REVIEW
**Disposition Date:** 28 MAY 2004
**Disposition Event:**
**Disposition History:** n/a
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**Handling Restrictions:** n/a
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**Original Handling Restrictions:** n/a
**Original Previous Classification:** n/a
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**Previous Classification:** LIMITED OFFICIAL USE
**Previous Handling Restrictions:** n/a
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**TAGS:** EWWT, EGEN, OCON, US, TD, ECLA
**To:** PORT OF SPAIN INFO GENEVA
USUN N Y
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